

**RESPONSIVENESS SUMMARY
CONCERNING EPA'S AUGUST 30, 2002
PUBLIC NOTICE PROPOSING SEDIMENT TMDLS
FOR WATERS IN THE STATE OF GEORGIA**

SEDIMENT TMDLS - February 2003 - finalization of Sediment TMDLs for White Creek, Hazel Creek, Red Oak Creek, Spring Creek, Upper Chickasawhatchee Creek

Public Participation Activity Conducted:

On August 30, 2002, EPA Region 4 published an abbreviated public notice in the legal advertising section of the Atlanta Journal Constitution. Additionally, Region 4 mailed copies of a detailed public notice to the Georgia Environmental Protection Division (EPD), the Plaintiffs in the Georgia total maximum daily load (TMDL) lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1:94-cv-2501-MHS), and persons, identified as potentially interested parties, on a mailing list maintained by Region 4. This public notice requested comments from the public on EPA's proposed TMDLs for a significant number of water quality limited segments in the State of Georgia.

Matters on Which Public Was Consulted:

As a result of settlement negotiations in the Georgia TMDL lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1L94-cv-2501-MHS), EPA had the following commitment:

“If Georgia fails to propose for public comment by June 30, 2002, TMDLs for each waterbody identified in Georgia's 2002 Section 303(d) list, whether such Section 303(d) list is prepared by Georgia or by EPA, and that is located in the Chattahoochee and Flint River Basins, then EPA shall propose such TMDLs by August 30, 2002. In the event EPA proposed such TMDLs, EPA will establish TMDLs following public notice and comment within a reasonable time, and, where significant comment is not received, expects to establish TMDLs by February 28, 2003, unless Georgia submits and EPA approves such TMDLs prior to EPA establishing such TMDLs.”

The public was consulted on proposed TMDLs for the water quality limited segments in the Chattahoochee and Flint River Basins of the State of Georgia.. EPA Region 4 had received and evaluated water quality-related data and information about these waters and pollutants and had prepared documents supporting the preliminary determinations of these evaluations.

Summary of Public's Comments:

The following persons provided written comments or written request for copies of the proposed TMDL during the public comment period:

1. Kesler T. Roberts, Staff Attorney
Georgia Legal Watch
264 North Jackson Street
Athens, Georgia 30601
2. David L. Bullard
Georgia Department of Natural Resources
Environmental Protection Division, Water Protection Branch
4220 International Parkway, Suite 101
Atlanta, GA, 30354
3. Alan Hallum
Georgia Department of Natural Resources
Environmental Protection Division, Water Protection Branch
4220 International Parkway, Suite 101
Atlanta, GA, 30354

General Comments

COMMENT

We have received all of the TMDLs that EPD and EPA have proposed this year and it appears that there are listed waters in the Chattahoochee and Flint River Basin which have not yet received TMDLs. Specifically, it appears that the TMDLs have not been prepared for mercury listing of Lake Walter F. George and FCG/PCBs listing for the Pea Creek to Wahoo Creek segment of the Chattahoochee River.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

Lake Walter F. George

On March 27, 2002, Georgia EPD submitted the Final 2002 Section 303(d) list for approval. The State delisted Lake Walter F. George for mercury (FCG-Hg). The basis for the delisting was that the trophic-weighted residue value of mercury in fish tissue was less than the State's water quality standard (see policy interpreting narrative October 19, 2001 and implementing methodology (date)). EPA approved the State's 2002 Section 303(d) list on April 30, 2002. Since the water was no longer listed for

mercury, no TMDL was required.

Chattahoochee River (Pea Creek to Wahoo Creek)

Georgia EPD proposed a TMDL for the Chattahoochee River (Pea Creek to Wahoo Creek) for polychlorinated biphenyls (PCBs) on June 30, 2002.

COMMENT

We are also disappointed that neither EPA or EPD revisited the many waters in the Chattahoochee and Flint River Basins that are listed but received deficient TMDLs during the 1997-98 phase of the Consent Decree's schedule. It is our understanding that the EPA and EPD are employing the phased approach to the TMDL development whereby TMDLs will be revisited at least once every five years according to the Georgia's river basin rotation schedule. Despite that, neither EPA nor EPD has proposed new TMDLs for the many in these basins that received their first phase TMDLs five years ago in 1997. As we have pointed out in the past, many of those initial TMDLs were rife with problems. These issues were highlighted by the problems that the Georgia RDCs have had with developing implementation plans for the 1997-98 TMDLs. It would be appropriate to further develop these first phase TMDLs at this state particularly given that many of the initial TMDLs are incomplete, inaccurate, and legally deficient.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The 1996 TMDL Lawsuit against EPA regarding TMDL development in the State of Georgia has forced EPD to refocus its monitoring objectives on identifying water quality impairments and developing TMDLs, rather than data collection to gage whether improvements in water quality have occurred as a result of the implementation of a TMDL. Since the 1996 Lawsuit, EPA and EPD have completed the following:

Completed TMDLs by EPA and EPD

Year	EPA	EPD
1997	124	0
1998	0	0
1999	29	2
2000	67	143
2001	132	140
Total	365	285

In the future, EPA and EPD will discuss how to best expand the existing statewide monitoring efforts to allow one to determine if implementation of TMDLs have resulted in marked water quality improvements.

COMMENT

None of these TMDLs contain implementation plans as required by EPA-EPD Memorandum of Understanding (MOU) executed in January of this year. That agreement indicates that both EPA and EPD will include “Initial Implementation Plans” in each of the TMDLs that they propose beginning this year. Despite this clear language, none of these TMDLs address implementation plans. Why is this ?
 Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The final TMDLs developed by EPA have been updated to include the initial TMDL implementation plans.

Sediment Specific Comments**COMMENT****Calculation of the Sediment TMDL - Chattahoochee River / Flint River Basin**

EPA has calculated the load reduction required by comparing annual sediment loads computed with the Sediment Tool in the two impaired streams with a TMDL in terms of an annual load of 0.4 tons/acre/year. The main problem is that the document does not provide enough information on how the value of 0.4 tons/acre/year was developed. The TMDL references Section 5.0 of the Oconee River Sediment TMDL, but no information is given on what streams were used as references, how it was determined that biota and habitat on these streams was “good”, and how the mean annual sediment load of these streams was calculated.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The Chattahoochee and Flint River Basin Sediment TMDLs have been updated to include the following:

- Information on which the process used to select a reference stream, and identification of which streams were used as references sites (**Can be found in Section 3.1 of the Chattahoochee and Flint River Basin Sediment TMDL**),
- Information describing the biological assessment methodology to determine what a “good “ reference stream is (**Can be found in Section 3.1 of the Chattahoochee and Flint River Basin Sediment TMDL**),
- Information on how the mean annual sediment loads for these reference and

impaired streams were calculated (**Can be found in Appendix A of the Chattahoochee and Flint River Basin Sediment TMDL**).

COMMENT

Annual Sediment Loads - Chattahoochee River / Flint River Basin

It is inappropriate to establish annual average sediment loads in this TMDL. As we have pointed out many times in the past, the law states on its face that daily loads are to be established. Non-daily loads are appropriate only where the different timeframes are reasonable and explicitly justified. This is not the case here. In the final Chattooga River Basin, EPA demonstrated that it is able to establish daily loads for sediment. Why then have both EPA and EPD reverted back to annual loads ? This is important because TMDLs need to result in products that are meaningful and enforceable on the ground.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The objective of a TMDL is to allocate loads among known pollutant sources throughout a watershed so that appropriate control measures can be implemented and water quality standards can be achieved. In the recent New York Decision (NRDC v. EPA, Docket No. 00-6232, October 11, 2001), the court concluded that the use of other appropriate measures was indeed appropriate as long as a justification was provided. In the case of the EPA developed sediment TMDLs, it was determined that annual average sediment loads were more appropriate given the potential variability in loadings over time. Using annual average sediment recognizes that daily loads will vary substantially in response to differing precipitation patterns/events and the magnitude, frequency and duration of the pattern/event(s). Cumulative impacts of sediment over time tend to have the greatest effect on the aquatic community. These events may or may not contribute loads to the streams on a “daily” basis.

COMMENT

Chattahoochee River - Chattahoochee River / Flint River Basin

The TMDL does not provide a specific wasteload allocation for construction activity, which is acknowledged to be a major point source of sediment in this and most other watersheds in the state. Compliance with and enforcement of the NPDES permit for construction activities should not be assumed. Under the TMDL, as it is written, every inch of the watershed could be cleared without running afoul of the TMDL. A better approach would be to determine how much of the watershed can undergo construction and land clearing while still meeting water quality standards. Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The Georgia General Storm Water Permit can be considered to be a water quality-based permit, in that the numeric limits in the permit, if met and enforced, should not cause a water quality problem in a unimpaired stream or contribute to an existing problem in an impaired stream. The Georgia General Storm Water Permit will allow construction sites to meet the TMDLs area weighted loading. The TMDL states that construction activities in the watershed will be conducted in compliance with Georgia's Storm Water General Permit for construction activities, including discharge limitations and monitoring requirements contained in the General Storm Water Permit. Compliance with these permits will lead to sediment loadings from construction sites at or below applicable targets.

COMMENT**Margin of Safety - Chattahoochee River**

An implicit Margin of Safety is used. As we have stated many times in the past, an explicit MOS should be used whenever possible. Also, the Sediment TMDL Technical Advisory Group (TAG) recommendation that an explicit MOS always be used since there is no way to tell how large the MOS is when it is implicit. As you know, this is the preferred approach and there is no reason why it should not be employed here.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

As stated in Section 5 and Appendix A of the Chattahoochee and Flint River Basin sediment TMDLs, the MOS was implicitly incorporated due to the use of conservative modeling assumptions. These assumptions include: 1) the selection of mean universal soil loss equation (USLE) factors, 2) the use of no conservative practices (P factor = 1.0) for all landuses. In addition, the mean annual loading rates from the reference was used as the numeric target for each TMDL.

COMMENT**Minor Problems - Chattahoochee River**

Page 6, the designated use is listed as recreation in the title and fishing in the text.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The title on page 6 of the Chattahoochee River Basin Sediment TMDL has been corrected.

COMMENT**Minor Problems - Chattahoochee River**

Page 14, the second sentence is Section 6.1.1 is repeated verbatim several sentences later on page 15 in the second paragraph.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

This has been corrected.

COMMENT

Minor Problems - Chattahoochee River

Page 22, there is a reference to “Tables 1 through 5 in Section 5”, but these tables do not appear in Section 5.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The reference to Table 1 through 5 in Section 5 of the Chattahoochee River Basin Sediment TMDL has been corrected. These references can now be found in Section 9.

COMMENT

Minor Problems - Chattahoochee River

It’s not clear what the “Composite Sediment” values mean in the two tables on page 24. I would expect these to be the mean annual sediment loads for Hazel and Whites Creek but they should be 1.25 and 1.00 tons/acre/year instead of 0.28 and 0.23 respectively.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

Composite sediment is the combination of potential sediment delivered from landuse and any road within the 30 meter by 30 meter square grid cell. The 30 meter by 30 meter grid cell are created using the digital elevation model data and satellite landuse data. These watershed s are then delineated and sediment loss is then For each 30 by 30 meter grid cell the potential erosion based on USLE and potential sediment delivery to the stream network is estimated. The potential erosion from each cell is calculated using the USLE and the sediment delivery to the stream network can be calculated using one of four available sediment delivery equations. This is the composite of the sediment leaving each 30 by 30 meter cell and the sediment leaving the roads. The TMDL is based on the amount of sediment reaching the stream.

COMMENT

Minor Problems - Chattahoochee River

Because of the formatting, its impossible to read the table that starts on page 27.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The formatting has been fixed so that the table can be read.

COMMENT

Margin of Safety - Chattahoochee River / Flint River Basin

An implicit Margin of Safety is used. As we have stated many times in the past, an explicit MOS should be used whenever possible. Also, the Sediment TMDL Technical Advisory Group (TAG) recommendation that an explicit MOS always be since there is no way to tell how large the MOS is when it is implicit. As you know, this is the preferred approach and there is no reason why it should not be employed here.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

As stated in Section 5 and Appendix A of the Chattahoochee and Flint River Basin sediment TMDLs, the MOS was implicitly incorporated due to the use of conservative modeling assumptions. These assumptions include: 1) the selection of mean universal soil loss equation (USLE) factors, 2) the use of no conservative practices (P factor = 1.0) for all landuses. In addition, the mean annual loading rates from the reference was used as the numeric target for each TMDL.

COMMENT

Flint River Basin

The annual sediment load of 0.4 ton/acre/year is used again as the TMDL for Red Oak Creek which is in the lower Piedmont. A TMDL of 1.1 tons/acre.year was used for the other two creeks in the Coastal Plain, but there is very little information on how these values were developed. Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

The Flint River Basin Sediment TMDL has been updated to include the following:

- Information on which the process used to select a reference stream, and identification of which streams were used as references sites (**Can be found in Section 3.1 of the Flint River Basin Sediment TMDL**),
- Information describing the biological assessment methodology used to determine what a “good “ reference stream is (**Can be found in Section 3.1 of the Flint River Basin Sediment TMDL**),
- Information on how the mean annual sediment loads for these reference and impaired streams were calculated (**Can be found in Appendix A of the Flint River Basin Sediment TMDL**).

COMMENT

Minor Problems - Flint River

Page 13, There is a reference to Table 2, but this should be Table 3.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

This has been corrected.

COMMENT

Minor Problems - Flint River

Page 14, The meaning of Section 3.3 is not clear due to an incomplete sentence.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601

RESPONSE

This has been corrected

COMMENT

Chattahoochee River Basin

The draft Chattahoochee TMDLs are very general. The draft TMDLs fail to identify all specific pollution sources for the impaired waterways. Some the draft TMDLs fail to assign any wasteload allocations

(“WLA”) to identified pollution sources, and those that do assign WLAs to specific sources fail to assign maximum daily pollution sources, and those that do assign levels. EPA must allocate “Maximum Daily Loads” as required by U.S.C. §1313(d). It is our position that any TMDL that does not allocate pollution on a daily maximum basis does not qualify as a TMDL as defined by the CWA and TMDL regulations.

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

The objective of a TMDL is to allocate loads among known pollutant sources throughout a watershed so that appropriate control measures can be implemented and water quality standards can be achieved. In the recent New York Decision (NRDC v. EPA, Docket No. 00-6232, October 11, 2001), the court concluded that the use of other appropriate measures was indeed appropriate as long as a justification was provided. In the case of the EPA developed sediment TMDLs, it was determined that annual average sediment loads were more appropriate given the potential variability in loadings over time. Using annual average sediment recognizes that daily loads will vary substantially in response to differing precipitation patterns/events and the magnitude, frequency and duration of the pattern/event(s). Cumulative impacts of sediment over time tend to have the greatest effect on the aquatic community. These events may or may not contribute loads to the streams on a “daily” basis.

COMMENT

Neither EPA nor EPD has proposed a TMDL for All Streams Impaired by and Limited for Sediment.

The 2002 303(d) list does not list all streams impaired by sediment in the Upper Chattahoochee River Basin. As a result, neither EPA nor EPD has prepared a TMDL for all sediment impaired waterways. UCR prepared comments on the proposed 2002 303(d) list containing additional information indicating the Big Creek, Suwannee Creek, and Richland Creek should receive sediment TMDLs. **Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318**

RESPONSE

EPA only has the authority to develop TMDLs for water on a States 303(d) list. Based on Georgia’s approved 2002 Section 303(d) list, Big Creek, Suwannee Creek, and Richland Creek were not identified as impaired. Thus EPA has no authority to develop TMDLs for these waters.

COMMENT

The draft sediment TMDLs do not allocate specific sediment loads to each impaired stream segment as required by regulations 40 C.F.R 13.7(a). Instead, the draft sediment TMDLs allocate sediment on a watershed basis, setting only a limit on the tons/acre/year that the entire watershed can receive. UCR is aware that EPD claims that annual sediment loads are authorized by the definition of a TMDL contained at 40 C.F.R 130.2(i), which states that, "TMDLs can be expressed in terms of mass per unit time, toxicity or other appropriate measures." This interpretation however is an abuse of the obvious intent of the TMDL program. The meaning of 130.2(i) can only be ascertained by reading the definition of TMDL in the context of the entire TMDL program. Although the TMDL regulations recognize that some pollutants cannot be measured by lb/day or kg/day, such as toxicity or temperature, the regulations do not anticipate that the basic unit of protection of "daily" can be ignored or undermined for pollutants such as sediment than can be expressed in daily loads. Such an interpretation would render the requirement to develop total maximum daily loads meaningless. Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

Section 5.6 of the Chattahoochee River Basin has been updated to include specific allocations for each 303(d) listed stream segment. As stated in an earlier comment, the objective of a TMDL is to allocate loads among known pollutant sources throughout a watershed so that appropriate control measures can be implemented and water quality standards can be achieved. In the recent New York Decision (NRDC v. EPA, Docket No. 00-6232, October 11, 2001), the court concluded that the use of other appropriate measures was indeed appropriate as long as a justification was provided. In the case of the EPA developed sediment TMDLs, it was determined that annual average sediment loads were more appropriate given the potential variability in loadings over time. Using annual average sediment recognizes that daily loads will vary substantially in response to differing precipitation patterns/events and the magnitude, frequency and duration of the pattern/event(s). Cumulative impacts of sediment over time tend to have the greatest effect on the aquatic community. These events may or may not contribute loads to the streams on a "daily" basis.

COMMENT

The proposed sediment TMDLs do not follow guidance produced by EPA, Protocol for Developing Sediment TMDLS (EPA, 1999). Furthermore, EPA does not follow the recommendations made by the sediment technical advisory group ("TAG"). It appears from the proposed TMDLs that EPA did not even refer to this work in its preparation of the TMDLs. As a result, the proposed sediment TMDLS fail to meet the requirements of the CWA and underlying regulations.

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

The Chattahoochee and Flint River Basin sediment TMDLs follow the protocol outlined in the Protocol for Developing Sediment TMDLS (EPA, 1999). The sediment TMDLs:

- 1) identify the water quality problem,
- 2) conducts a sources assessment (i.e., identifying both point and nonpoint sources),
- 3) identifies the linkage between the water quality problem and the sources, and
- 4) allocates the reductions necessary to meet the target that are compatible with implementation of best management practices (BMPs).

COMMENT

In the draft sediment TMDLs, EPA incorrectly refers to construction activities as both point and nonpoint sources of pollution (See page 14 of draft sediment TMDL). The draft sediment TMDLs do not identify construction sites on the impaired waterways, nor do the TMDLs require construction sites (both current and future) to obtain individual permit with appropriate limits and controls on sediment to ensure future reductions in sediment loads to the stream. Although the State's General Permit for Stormwater Runoff from construction site ("General Permit") is a valid way to handle many construction point sources, it is not appropriate for stream identified as impaired by sediment or threatened by existing sediment loads. In such cases, each site must obtain an individual permit with limits and controls based on available loads from a WLA. Simply presuming that construction site effluent will be addressed adequately by the General Permit and "best management practices" is not realistic, nor does such assumption comply with the CWA regulations. Since discharges or stormwater from construction sites are largely via point sources, the WLA portion of any TMDL must address such discharges, and such discharges must receive permit limits designed to meet standards.

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

Clarified nonpoint source reference in Section 6. Compliance with Georgia's Storm Water General Permit for construction activities, including discharge limitations and monitoring requirements contained in the General Storm Water Permit. Compliance with these permits will lead to sediment loadings from construction sites at or below applicable targets.

COMMENT

In the draft TMDL, EPA claims that sediment impairments in the identified stream segments is largely historic, but EPA provides no justification for this claim. Given the rapid growth of the North Georgia Region, EPA must establish a WLA for future development sites to prevent any further impairment and

ensure that water quality in these streams improves over time.

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

Compliance with the Georgia Stormwater Permit's water quality based target will provide the needed protection for both existing and future construction activities. If these water quality based requirements are enforced, the streams will improve over time.

COMMENT

The draft sediment TMDLs fail to identify any other potential sources of sediment loading to the impaired waterways. For instance, the draft sediment TMDLs ignore any potential loading from quarries and mining operations in the watershed of the impaired streams. EPA must conduct a thorough investigation of all potential sediment sources, identify such sources in the sediment TMDL and assign a WLA as necessary to all such sources.

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

EPA evaluated all readily available data and no permitted mining activity was indicated in these watersheds. The impacts of quarries and mining land was addressed in the load allocation. See Section 9.1.7 and 9.1.8

COMMENT

The sediment TMDLs do not contain a valid margin of safety ("MOS"). Simply stating that a MOS is implicit in the TMDL does not satisfy the CWA regulations, nor will it ensure that impaired waterways meet water quality standards in the future. 40 CFR 130.7(c)(1).

Michele C. Fried, General Counsel, Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318

RESPONSE

As stated in Section 5 and Appendix A of the Chattahoochee and Flint River Basin sediment TMDLs, the MOS was implicitly incorporated due to the use of conservative modeling assumptions. These assumptions include: 1) the selection of mean universal soil loss equation (USLE) factors, 2) the use of no conservative practices (P factor = 1.0) for all landuses. In addition, the mean annual loading rates from the reference was

used as the numeric target for each TMDL.

COMMENT

The TMDLs assigned a load allocation of 0.4 tons/acre/year to non-point sources in the Piedmont Ecoregion and 1.1 tons/acre/year to non-point sources in the Southeastern Coastal Plains Ecoregion. These values are reasonable for the Southeastern Coastal Plains Ecoregion and Flint River Basin Ecoregion. However, the load allocation for the Piedmont Ecoregion Chattahoochee River reference sites is approximately 1.0 tons/acre/year. Could EPA please explain what data were used to determine the load allocation for the Upper Chattahoochee River Basin?

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354.

RESPONSE

EPA divided the Piedmont Ecoregion into various subcoregions. Data from nearby unimpaired streams - Mossy Creek, Mud Creek and Soque River - that EPA has studied indicated for Upper Piedmont Sub-Ecoregion a 0.4 tons/acre/year was the appropriate target for streams in this Ecoregion.